

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY** 11 JAN 0:23  
**REGION 8**

Docket No.: SDWA-08-2007-0073

In the Matter of: )

Scott Heim, dba )

Yankee Fourteen Aviation )

**Respondent.** )

**MOTION TO WITHDRAW  
THE PENALTY COMPLAINT  
AND NOTICE OF OPPORTUNITY  
FOR HEARING**

The United States Environmental Protection Agency, Region 8 (EPA), by its undersigned attorney, hereby requests that the Penalty Complaint and Notice of Opportunity for Hearing issued against Scott Heim, dba Yankee Fourteen Aviation (Respondent), be withdrawn. This motion is made pursuant to the Section 22.16 of the Consolidated Rules of Practice, 40 C.F.R. §22.16.

EPA requests that this motion be granted since the settlement between EPA and Respondent's co-Respondent, Great Planes Aviation Inc. embodied in a Consent Agreement approved and incorporated by reference into an Amended Final Order dated November 27, 2007 was, in EPA's opinion, satisfactory to settle the entire case.

RESPECTFULLY SUBMITTED this 10th day of December, 2007.

United States Environmental Protection Agency, Region 8

By: \_\_\_\_\_

James H. Eppers  
Senior Enforcement Attorney  
Counsel for EPA

Scott Heim, dba Yankee Fourteen Aviation  
Docket No. SDWA-08-2007-0073

CERTIFICATE OF SERVICE

I hereby certify that the original and one true copy of this Motion to Withdraw the Penalty Complaint and Notice of Opportunity for Hearing were hand carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street Denver, Colorado, and that a true copy of the same was hand-carried to the:

Presiding Judicial Officer  
EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

and that a true copy was sent via first class U.S. Mail to:

Scott Heim  
dba Yankee Fourteen Aviation  
27091 Misty Brook Place  
Harrisburg, SD 57032

Dated:

12/11/07

By:

Judith McTernan

Judith McTernan